



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0024

Introduced 1/26/2005, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Home Health and Hospice Drug Dispensation and Administration Act. Allows home and community support services agencies and their employees who are registered nurses or advanced practice nurses to purchase, store, or transport certain drugs for the purpose of administering the drugs to home health or hospice patients of the agencies. Requires an agency that purchases, stores, or transports these drugs to establish policies and procedures concerning proper storage, transportation, temperature stability, removal from container on physician's order, administration of the drug, and the maintenance of written records. Provides that an agency or its authorized nursing employee may administer the drug only in the patient's residence under physician's orders. Sets forth procedures for agency handling of physician oral orders and pharmacy dispensation of the drugs. Provides that upon a home health agency's administration or dispensation of a specific drug to a patient, that agency shall be reimbursed the cost of that specific drug by the Department of Public Aid. Effective immediately.

LRB094 03402 RAS 33404 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Home
5 Health and Hospice Drug Dispensation and Administration Act.

6 Section 5. Legislative intent. The General Assembly
7 intends to protect the home care services consumer by allowing
8 qualified registered nurses in the home health and hospice
9 professions to carry certain legend drugs in their nursing bags
10 so they are readily available when a consumer may require their
11 use.

12 Section 10. Definitions. In this Act:

13 "Nurse" means a registered nurse, advanced practice nurse,
14 or registered professional nurse according to the Nursing and
15 Advanced Practice Nursing Act.

16 "Home health" means a home health agency licensed by the
17 Illinois Department of Public Health to provide this service or
18 its employees who are nurses as defined above.

19 Section 15. Possession of sterile water or saline. A home
20 and community support services agency or its employees who are
21 registered nurses or advanced practice nurses may purchase,
22 store, or transport the following for the purpose of
23 administering to their home health or hospice patients under
24 physician's orders:

25 (1) sterile water for injection and irrigation; and

26 (2) sterile saline for injection and irrigation.

27 Section 20. Possession of certain drugs.

28 (a) A home and community support services agency in
29 compliance with this Section or its employees who are

1 registered nurses or advanced practice nurses may purchase,
2 store, or transport for the purpose of administering to their
3 home health or hospice patients the following dangerous drugs:

4 (1) Sterile saline in a sealed portable container of a
5 size determined by the dispensing pharmacist;

6 (2) Not more than 5 dosage units of any of the
7 following items in an individually sealed, unused portable
8 container:

9 (A) Heparin sodium lock flush in a concentration of
10 10 units per milliliter or 100 units per milliliter;

11 (B) Epinephrine HCl solution in a concentration of
12 1 to 1,000;

13 (3) Not more than 2 dosage units of Diphenhydramine
14 (Benadryl) 50 milligrams intravenously for treating
15 allergic reactions in an individually sealed, unused
16 portable container, clearly labeled, and placed in a
17 protective carrier. This is not to be used in a pediatric
18 population.

19 Section 25. Proper procedures.

20 (a) A home and community support services agency or the
21 agency's authorized employees may purchase, store, or
22 transport dangerous drugs in a sealed portable container under
23 this Section only if the agency has established policies and
24 procedures to ensure that:

25 (1) The container is handled properly with respect to
26 storage, transportation, and temperature stability;

27 (2) A drug is removed from the container only on a
28 physician's written or oral order;

29 (3) The administration of any drug in the container is
30 performed in accordance with a specific treatment
31 protocol; and

32 (4) The agency maintains a written record of the dates
33 and times the container is in the possession of a
34 registered nurse or advanced practice nurse.

35 (b) A home and community support services agency or the

1 agency's authorized employee who administers a drug listed in
2 paragraph (a) of this Section may administer the drug only in
3 the patient's residence under physician's orders in connection
4 with the provision of emergency treatment or the adjustment of
5 parenteral drug therapy.

6 (c) If a home and community support services agency or the
7 agency's authorized employee administers a drug listed in
8 paragraph (a) of this Section pursuant to a physician's oral
9 order, the physician shall promptly send a signed copy of the
10 order to the agency and the agency shall:

11 (1) Reduce the order to written form and send a copy of
12 the form to the dispensing pharmacy by mail or facsimile
13 transmission, not later than 24 hours after receipt of the
14 order; and

15 (2) Send a copy of the order as signed by and received
16 from the physician to the dispensing pharmacy, not later
17 than 20 days after receipt of the order.

18 (d) A pharmacist that dispenses a sealed portable container
19 under this Section shall ensure that the container:

20 (1) Is designed to allow access to the contents of the
21 container only if a tamper-proof seal is broken.

22 (2) Bears a label that lists the drugs in the container
23 and provides notice of the container's expiration date,
24 which is the earlier of:

25 (A) the date that is 6 months after the date on
26 which the container is dispensed; or

27 (B) the earliest expiration date of any drug in the
28 container.

29 (3) Remains in the pharmacy or under the control of a
30 pharmacist, registered nurse, or advanced practice nurse.

31 (e) If a home and community support services agency or the
32 agency's authorized employee purchases, stores, or transports
33 a sealed portable container under this Section, the agency
34 shall deliver the container to the dispensing pharmacy for
35 verification of drug quality, quantity, integrity, and
36 expiration dates not later than the earlier of:

1 (1) The 7th day after the date of which the seal on the
2 container is broken; or

3 (2) The date for which notice is provided on the
4 container label.

5 (f) A pharmacy that dispenses a sealed portable container
6 under this Section shall take reasonable precautionary
7 measures to ensure that the home and community support services
8 agency receiving the container complies with paragraph (f) of
9 this Section. On receipt of a container under paragraph (f),
10 the pharmacy shall perform an inventory of the drugs used from
11 the container and shall restock and reseal the container before
12 delivering the container to the agency for reuse.

13 Section 30. Reimbursement. Upon actual drug dispensation
14 or administration under this Act, the home and community
15 support services agency that dispensed or administered the drug
16 to a patient shall be reimbursed by the Department of Public
17 Aid for the cost of the drug used. Reimbursement shall cover
18 only the agency's cost of the specific drug dispensed or
19 administered.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.